

1

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10

Nakia V. Porter, et al.,
Plaintiffs,
v.
County of Solano, et al.,
Defendants.

No. 2:21-cv-01473-KJM-JDP
ORDER

11

12

13

14

15

16

The parties have filed a stipulation and proposed order to clarify the third amended complaint and dismiss certain claims. ECF No. 139. In portions of that filing, the parties agree to the dismissal of some claims by some plaintiffs against some defendants. *See, e.g., id.* at 4 (“The Tenth Claim is hereby dismissed by Ms. Porter with prejudice only as against individual Defendants Stockton, Carter, and Hamilton.”). The Ninth Circuit has held that “withdrawals of individual claims against a given defendant are governed by [Federal Rule of Civil Procedure 15], which addresses amendments to pleadings.” *Hells Canyon Preservation Council v. U.S. Forest Service*, 403 F.3d 683, 687 (9th Cir. 2005). That rule “is the appropriate mechanism where a plaintiff desires to eliminate an issue, or one or more but less than all of several claims, but without dismissing as to any of the defendants.” *Id.* at 688 (citations, alterations and quotation marks omitted). The court therefore construes the filing at ECF No. 139 as a stipulated request for leave to amend the complaint and grants that request for good cause and in the interest of

1 justice. *See* Fed. R. Civ. P. 16(b)(4), 15(a). **Within fourteen days**, plaintiffs shall file a further
2 amended complaint reflecting the clarifications and proposals in the filing at ECF No. 139.

3 IT IS SO ORDERED.

4 DATED: August 12, 2024.

5 

CHIEF UNITED STATES DISTRICT JUDGE